IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12106 of 1995

Between:

Mareddy Ramanaiah, S/o.Chinna Pullanna,
Alaganoor village, Midthur Mandal, Kurnool district.

..... PETITIONER

AND

1 The District Collector (L.A.), Kurnool.
2 The Special Deputy Collecter (LA),
Nandyal, Kurnool district.
3 The Mandal Revenue Officer,
Midthur, Kurnool district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in taking possession of the land in Sy.No.466 to an extent of Ac.3.42 cents situated at Alaganoor village, Midthur Mandal, Kurnool district belonging to the petitioner for the purpose of construction of Srisailam Right Branch Canal without initiating the Land Acquisition proceedings and without paying the compensation as illegal, arbitrary and violative of the mandatory provisions of the L.A.Act as well as violative of rights guaranteed under Article 300(A) of the Constitution of India and consequently direct the respondents to initiate the Land Acquisition proceedings, pass award and pay the compensation forthwith.

Counsel for the Petitioner: MR. C.B.RAM MOHAN REDDY

Counsel for Respondents: GOVERNMENT PLEADER FOR LAND ACQUISITION

The Court made the following:

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ORDER:

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This writ petition is filed seeking a Writ of Mandamus to declare the action of respondents in taking possession of the land in Survey No.466 to the extent of Ac.3-42 cents situated at Alaganur Village, Midthur Mandal of Kurnool District, without initiating land acquisition proceedings, as illegal and arbitrary and further direction to respondents to pay compensation for the said land.

It is the case of the petitioner that Survey No.466 consists of total extent of Ac.10-80 cents, which is situated at Alaganur Village, Midthur Mandal of Kurnool District. In the said Survey number, the petitioner is the owner and possessor to the extent of Ac.4-66 cents and out of the said land, an extent of Ac.0-84 cents was acquired earlier and the remaining land was taken possession subsequently by the respondents without initiating any land acquisition proceedings and he is deprived of his right to the property and payment of compensation for the said land.

In the counter affidavit filed on behalf of the second respondent, it is stated, the total extent of land in Survey No.466 was Ac.10-86 cents and so far as the petitioner and his family members are concerned, they were recorded as owners and possessors only to the extent of Ac.2-09 cents in Survey No.466, which has been sub-divided, i.e. Ac.0-84 cents in Survey No.466/1 and Ac.1-25 cents in Survey No.466/2. It is further stated, so far as the land of Ac.2-09 cents where the ownership of the petitioner was recorded, the said land was notified under the provisions of the Land Acquisition Act and under an Award being 3/86-87 dated 14-05-1986 and Award No.25/93-94 dated 31-03-1994, the petitioner was paid compensation for the said land. The respondents denied the allegation of dispossessing the petitioner from the further extent of the land and also disputed the claim of the petitioner.

From the above said counter affidavit, the respondents are denying to have taken

possession of the land in question, and also title and possession of the petitioner for more than Ac.2-09 cents. In that view of the matter, it is a factual dispute, which cannot be adjudicated in a petition filed before this Court in exercise of powers under Article 226 of the Constitution of India. This petition is devoid of merits. However, if the petitioner is deprived of his right to the property and payment of compensation without due process of law, it is open to him to take any steps available to him under the civil remedy.

The writ petition is dismissed, subject to the above directions.

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R.SUBHASH REDDY, J

30th December, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector (Land Acquisition), Kurnool District.

2. The Special Deputy Collector (Land Acquisition), Nandyal,

Kurnool District.

3. The Mandal Revenue Officer, Midthur Mandal, Kurnool District.

4. Two CCs to the Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad (O.U.T).

5. Two CD copies.